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9 *Attorneys for Plaintiffs Timothy DuFour and*
10 *Kenneth Tanner, on their own behalves*
and on behalf of all others similarly situated,
11

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

14 TIMOTHY DuFOUR and KENNETH
TANNER, individuals, on their own behalves
15 and on behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 BE., LLC, DYNAMIC SHOWCASES, LLC,
California limited liability companies,
19 MONTEREY FINANCIAL SERVICES, INC.,
MTS HOLDINGS GROUP, INC., California
20 corporations, 1901 CO., a Nevada corporation,
BE MARKETING LIMITED, a private limited
21 company registered in England and Wales,
ERIK DeSANDO, BARRY FALCK, JACOB
22 STEINBECK, VITALY RASHKOVAN, and
DOES 1-100, inclusive,
23

24 Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer **ORDER**

~~NOTICE OF MOTION; MOTION FOR~~
LEAVE TO FILE OVERSIZE BRIEF
PURSUANT TO CIVIL LOCAL RULE 7-
11

Pursuant to Civil L.R. 7-11, Plaintiffs Timothy DuFour ("DuFour") and Kenneth Tanner ("Tanner") hereby move for leave to file an oversize Memorandum of Points and Authorities in support of their Motion for Preliminary Injunction ("Memorandum").

Plaintiffs' Memorandum is twenty one (21) pages long, excluding table of content, table of authorities, declarations, and exhibits. Under Civil L.R. 7-2(b), such briefs can be twenty five (25) pages long. Under paragraph 5 of the Court's Standing Order, however, such briefs are limited to fifteen (15) pages in length. While Plaintiffs have endeavored to be as concise as possible, the Motion's subject matter, the facts supporting the Motion, and the law supporting the Motion all require more than fifteen pages for Plaintiffs to adequately advocate for their position.

Plaintiffs have not been able to contact all the Defendants, let alone serve them with process. In some cases, Defendants appear to have actively avoided service. For this reason, Plaintiffs were unable to obtain a stipulation under Civil L.R. 7-12. (Preston Decl. ¶ 1.)

Dated: October 8, 2009

By: s/Ethan Preston

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